

### **REMARKS**

Claims 1-23, 25 and 29-31 are pending in the present application. In the Office Action mailed September 11, 2006, the Examiner rejected claims 1-23, 25, and 29-31 as being based upon a defective reissue declaration under 35 U.S.C. §251. The Examiner next rejected claims 21, 23, and 25 under 35 U.S.C. §112, second paragraph.

#### **Status of the Claims**

Claims 1-23, 25, and 29-31 are currently pending in the present application. Claims 24 and 26-28 are cancelled.

#### **Defective Reissue Oath/Declaration**

The reissue oath/declaration filed with the present application was identified by the Examiner as being defective for failing to include a residence and mailing address for the inventor. Applicant has amended the oath and declaration to correct this deficiency. The corrected oath and declaration have been attached herewith.

#### **Rejection of Claims 1-23, 25, and 29-31 Under 35 U.S.C. §251**

The Examiner rejected claims 1-23, 25, and 29-31 as being based upon a defective reissue declaration under 35 U.S.C. §251. As stated above, Applicant has submitted a corrected reissue declaration with the current response. As such, Applicant believes the rejection of claims 1-23, 25, and 29-31 under 35 U.S.C. §251 should be withdrawn.

#### **Rejection of Claims 21, 23, and 25 Under 35 U.S.C. §112**

The Examiner also rejected claims 21, 23, and 25 under 35 U.S.C. §112, second paragraph. While Applicant respectfully disagrees, in order to expedite examination Applicant has elected to amend claims 21, 23, and 25.

As amended, claim 21 calls for, in part, a compactor wheel mountable on an axle of a compaction machine, the compactor wheel including an axle guard system comprising a cleat-free area formed circumferentially around a rim on the face of the compactor wheel and extending widthwise from an inner edge across the rim toward an outer edge. Support for the amendment to claim 21 can be found, for example, at Col. 6, Ins. 13-60, wherein a cleat-free area

37 formed on the face 21 of the wheel wrapper 19 is disclosed. *See also* Fig. 6. The area extends up to about 10 inches from the inner edge 20. *Id.*

Claim 23 calls for, in part, a compaction machine including an axle guard system comprising a cleat-free area formed circumferentially around a rim on the face of a compactor wheel and extending widthwise from an inner edge across the rim toward an outer edge a distance to reduce refuse accumulation about an axle of the compaction machine. Support for the amendment to claim 23 can be found, for example, at Col. 6, Ins. 13-60. *See also* Fig. 6. The area extends up to about 10 inches from the inner edge 20 and reduces the amount of refuse that is pushed toward the axle 12. *Id.*

Claim 25 calls for, in part, a compaction machine including an axle guard system comprising a cleat-free area formed circumferentially around a rim on the face of a compactor wheel and extending widthwise from an inner edge across the rim toward an outer edge for reducing movement of cable, ropes, or wire refuse inward toward the inner circumferential edge of the rim. Support for the amendment to claim 25 can be found, for example, at Col. 6, Ins. 13-60. *See also* Fig. 6. The area extends up to about 10 inches from the inner edge 20. *Id.* The cleat-free area 37 helps to prevent cable, rope, wire and other refuse and debris from moving inward toward the inner edge 20 of the compactor wheel 10 and subsequently wrapping around the axle 12 of the compaction machine 14. Col. 7, Ins. 41-44.

Applicant believes that the amendments to claims 21, 23, and 25 place those claims in condition for allowance and clearly satisfy the requirements of 35 U.S.C. §112.

### **Conclusion**

Therefore, in light of at least the foregoing, Applicant respectfully believes that the present application is in condition for allowance. As a result, Applicant respectfully requests allowance of claims 1-23, 25, and 29-31.

Applicant appreciates the Examiner's consideration of these Amendments and Remarks and cordially invites the Examiner to call the undersigned, should the Examiner consider any matters unresolved.

Respectfully submitted,

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<sup>1</sup>The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-2623. Should no proper payment be enclosed herewith, as by credit card authorization being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-2623. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extensions under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-2623. Please consider this a general authorization to charge any fee that is due in this case, if not otherwise timely paid, to Deposit Account No. 50-2623.